

BY-LAWS FOR THE TOWN MEETING OF THE VILLAGE OF ARDENTOWN

1 INTRODUCTION

The basic document for the government of the incorporated village of Ardentown is the Act to Incorporate the Village of Ardentown as passed by the 128th General Assembly and signed by the Governor of Delaware on June 20, 1975, or as it may be hereafter amended by the General Assembly (two-thirds vote).

These by-laws are the basic structure for administering the business of the incorporated Village of Ardentown.

2 STRUCTURE OF GOVERNMENT - TOWN MEETING

The government of the Village and the exercise of all powers conferred by the Act of Incorporation except as otherwise provided herein, shall be vested in the Town Meeting of the Village of Ardentown.

3 SUFFRAGE

Qualified voters shall be all residents 18 years of age or over who have resided in the Village for a preceding period of six (6) consecutive months.

4 MEETINGS

4.1 REGULAR MEETINGS

Regular meetings of the Town Meeting shall be held in a suitable place in the Village available to the public on the second Monday of February, May, September and November.

Written notice of the time, date and place of all regular meetings of the Town Meeting shall be mailed by the Secretary of the Town Meeting to all residents and leaseholders of the Village at least five (5) days prior to the meeting date.

At all meetings of the Town Meeting twenty-five (25) qualified voters shall constitute a quorum for the enactment of all ordinances, the adoption of all resolutions and motions, and the transaction of all business properly before the Town Meeting.

Each qualified voter attending a meeting of the Town Meeting shall have one vote on each matter brought before each meeting. A majority of yeas shall be sufficient to pass all ordinances, resolutions and motions at any meeting of the Town Meeting and to transact all business properly brought before the meeting.

No ordinance of the Village shall be voted upon by the Town Meeting unless submitted to the Town Meeting in writing and read at the two consecutive meetings, whether regular or special, and including the meeting at which such ordinance shall be voted upon.

The Town Meeting shall determine its own rules and order of business and the Town secretary shall keep a journal of its proceedings and the yeas and nays which shall be taken upon the passage of every ordinance and resolution.

The Town Meeting may elect such officials, agents, committees and commissioners of the Village which the Town Meeting may deem proper and necessary for the management of the Village and for the operation and enforcement of the Act of Incorporation and of any ordinances and resolutions adopted hereafter.

Any person so elected shall be a qualified voter of the Village and shall serve at the pleasure of the Town Meeting but in no event longer than two years unless re-elected.

In the case of vacancy created by any office established under the provisions of the Act of Incorporation and of the Town Meeting by reason of death, resignation, termination of residence or leasehold in the Village, conviction of a felony or otherwise, the Town Meeting, at the earliest possible meeting, shall elect some suitable person to serve the unexpired term of such office.

All Town Meetings and all committee meetings shall be open to any interested individuals.

If a postponement of a regular meeting shall be necessary, the Chairperson and the meeting Secretary shall set a new meeting date and notify all qualified voters at least five (5) days prior to the new date.

Whenever the Chairperson is not able to be present at a meeting, the Town Secretary shall arrange for a temporary Chairperson for that meeting.

4.2 SPECIAL MEETINGS

Special meetings of the Town Meeting shall be called by the Secretary of the Town Meeting (1) upon the written request of 25 qualified voters, provided that such request shall state the purpose for calling such meeting, which purpose shall be set forth in the notice of such meeting; or (2) upon the affirmative vote of a majority of qualified voters in attendance at a regular meeting of the Town Meeting provided that any motion for the calling of a special meeting shall state the purpose therefore, which purpose shall be set forth in the notice thereof. Notice of the time, date, and place of any special meeting of the Town Meeting shall be mailed to all qualified voters at least five (5) days before the date thereof.

5 OFFICERS

5.1 CHAIRPERSON

The Town Meeting shall elect a qualified voter to serve as Chairperson of the Town Meeting who shall preside at all meetings thereof. The Chairperson shall serve for a term of two years or until a successor is duly elected by the Town Meeting in accordance with provisions hereof, provided that no chairperson shall serve more than two successive terms. Effective in November 2012 the Chairperson shall be elected in every even-numbered year. The previous limit on terms shall not apply to the Chairperson elected in November 2012. The signature, certifications or attestations of the Chairperson of the Town Meeting to any document pertaining to the affairs of the Village called for by any act, statute, rule or regulation of the State of Delaware or any agency thereof shall be good and sufficient compliance therewith, notwithstanding that such act, statute, rule or regulation designates such document to be signed, certified or attested by the Mayor, City Manager, President of Council or like designated chief executive of an incorporated municipality of the State of Delaware.

5.2 SECRETARY

The Town Meeting shall elect a qualified voter to serve as Secretary of the Town Meeting for a term of two years or until a successor is duly elected by the Town Meeting in accordance with the provisions hereof. Effective in November 2013 the Secretary shall be elected in every odd-numbered year. In the absence of the Chairperson, the Secretary or someone designated by the Chairperson may preside over Town Meetings.

The Secretary shall have charge and custody of the books, journal, records, papers and other effects of the Village and shall keep the same in a safe and secure place. He/she shall keep a full and complete record of all transactions of the Town Meeting. He/she shall file and keep in a safe place the seal of the Village and all papers and documents arising out of the proceedings of the Town Meeting and relative to the affairs of the

Village. He/she shall deliver the same to his successor in office. He/she shall attest the seal of the Village when authorized by the Town Meeting and shall perform such duties and have such other powers as may be prescribed by ordinance.

All books, records and journals of the Village in the custody of the Secretary may, in the presence of the Secretary, be inspected by any Resident, Trustee or leaseholder of the Village desiring legitimate information at any time or times as may be convenient. The compensation of the Secretary for his duties as such, shall be determined by the Town Meeting.

5.3 TREASURER

The Town Meeting shall elect annually a qualified voter to serve as Treasurer. The Treasurer shall be responsible for deposits and disbursements of town monies. Checks written against the town accounts shall require the signatures of two of three authorized persons: the Town Chairman, the Treasurer and/or the Secretary.

The Treasurer shall submit at each regular Town Meeting a statement of the income, expenses and status of the accounts relating to the monies of the incorporated village. The compensation of the Treasurer shall be determined by the Town Meeting.

5.4 SUNNYSIDE TRACT

The Chairperson shall appoint a Steward for the Sunnyside Tract of the South Branch, Naamans Creek Nature Preserve. The Steward shall be responsible for maintenance of the preserve and for working with neighboring communities in oversight of the tract.

6 COMMITTEES

The standing committees of the Town Meeting shall consist of the Coordinating Committee, the Archives Committee, the Audit Committee, the Budget Committee, the Community Planning Committee, the Memorial Garden Committee, the Playground Committee, the Public Works and Safety Committee, and the Registration Committee.

Ad Hoc Committees shall be appointed by the Town Chairperson as needed.

Terms of office of officers and members of all standing committees shall begin immediately upon their election.

Terms of office of members of Ad Hoc Committees shall begin immediately upon their appointment.

The Town Secretary shall notify all committee members of their election.

Each committee shall elect its own chairperson and any other officers desired by that committee. Notes of the actions taken, topics discussed, and decisions or recommendations shall be recorded and kept for reference.

It shall be the duty of each committee chairperson to operate a functioning committee. The Town Chairperson may fill any vacancies in standing committees by appointment.

New standing committees may be created by the Town Meeting following the procedure for amending these By-Laws.

6.1 COORDINATING COMMITTEE

The Coordinating Committee shall consist of the Town Chairperson, the Town Secretary, the Town Treasurer, the chairpersons of all the standing committees (or a representative from the committee), the

chairperson of each active Ad Hoc committee (or a representative of that committee), the Trustees of Ardentown and the Secretary to the Trustees.

The Town Chairperson shall serve as chairperson of the Coordinating Committee.

It shall be the duty of the Coordinating Committee to be advisory in character and to meet at least once during the interval between any two regularly scheduled Town Meetings to correlate and review the committee activities of the town. The Coordinating Committee may meet at other times when necessary.

The Coordinating Committee may take necessary action on occasions when an immediate decision is needed before the next Town Meeting.

It shall be the duty of the Coordinating Committee to act as a nominating committee, submitting nominations for officers and committee members. The committee shall, whenever possible, submit more names than required for each office or committee, such nominees in every case to be those who have consented to serve if elected. Nominations may also be made from the floor at the time of any election with the permission of the individual nominated.

6.2 ARCHIVES COMMITTEE

The Archives Committee shall consist of three qualified voters elected at the regular February Town Meeting for a term of two years, one member to be elected in odd years and two members in even years.

It shall be the duty of the Archives Committee to represent the interests of the Village of Ardentown in overseeing the museum and archives of the three Ardens in accordance with the bylaws of the Arden Craft Shop Museum Corporation.

6.3 AUDIT COMMITTEE

The Audit Committee shall consist of three qualified voters elected at the regular May Town Meeting for a term of one year.

It shall be the duty of Audit Committee to audit all the accounts of the Trustees and of the Incorporated Village for the fiscal year just ended and give a report at the September Town Meeting.

At any time during the year qualified voters may examine any such accounts on request to the Secretary of the Trustees or to the Treasurer of the Village.

6.4 BUDGET COMMITTEE

The Budget Committee shall consist of five qualified voters of the Village elected by the Town Meeting. Three members of the Committee shall be elected by the Town Meeting at its regular September meeting in each odd-numbered year and two members of the Committee shall be elected by the Town Meeting at its regular September meeting in each even-numbered year. Each member, so elected, shall serve in office for two years or until a successor is duly elected.

The Budget Committee shall prepare an annual budget governing the expenditure of all Village funds, which shall exclude all monies derived from administration of leases and collection of income therefrom, the lawful use and expenditure of which are now and hereafter subject to the jurisdiction of the Trustees of Ardentown.

The budget prepared by the Committee shall be reported and submitted for approval to the Town Meeting at its regular February meeting. The Town Meeting may modify or amend all or any portion of the Village budget. The Village budget as approved by the Town Meeting with or without modification, shall govern the use and expenditure of the monies therein specified for and during the next fiscal year of the Village.

The Budget Committee shall obtain from the trustees their estimate of all anticipated income and expenses to the trust for the coming fiscal year. The purpose of such consultation with the Trustees is to avoid duplication of plans for expenditures.

6.5 COMMUNITY PLANNING COMMITTEE

The Community Planning Committee shall consist of five voters elected by a majority of those voting at the regular November meeting. The term shall be two years - three members to be elected in odd-numbered years and two in even-numbered years.

All five shall be elected at the first Town Meeting forming this committee. The three elected to the odd-numbered years shall serve three years in their first term.

It shall be the duty of the Community Planning Committee to plan for the physical and cultural future of the community and to advise with the Town Meeting and the Trustees on matters relating to the betterment and development of Ardentown. It shall also be entitled to apply for county, state, and federal funds for beautification and recreational improvement of the Town, with the approval of the officers of the Town Meeting and the Trustees, and to have supervision over the use of such funds.

This committee should select members to represent the Village at meetings of the Civic Council of Brandywine Hundred, League of State Governments and other organizations whose sphere of interest includes Ardentown.

6.6 MEMORIAL GARDEN COMMITTEE

The Memorial Garden Committee shall consist of five qualified voters elected in February for a term of two years. Two persons shall be elected in even years, three elected in odd years.

The duties of the Memorial Garden Committee shall be to set regulations for the use and maintenance of the Memorial Garden; assist families with information about burials and selection of a grave site; and oversee the general upkeep and improvement of the Memorial Garden.

The committee shall maintain a record of the burials and their general location.

The committee shall maintain a record of memorial donations and acknowledge the gift to donor.

Donations are deposited in the accounts of the Village and a record of these monies and expenditures will be kept by the committee and the town treasurer.

6.7 PLAYGROUND COMMITTEE

The Playground Committee shall consist of three qualified voters elected at the May Town Meeting, two members to be elected in even years, one member in odd years.

The duty of the Playground Committee shall be the general oversight of the village playground areas. This includes planning for playground equipment, with the approval of the Town Meeting and the Trustees. It may apply for any grants that may be available toward the cost of such equipment and maintenance.

It shall also supervise the installation of such equipment and arrange regular safety inspections and maintenance.

The Ardentown Playground Committee shall work in conjunction and coordination with the playground committees of the other Ardens.

6.8 PUBLIC WORKS and SAFETY COMMITTEE

The Public Works and Safety Committee shall consist of seven qualified voters, elected to two year terms at the regular May meeting. Four members shall be elected in odd-numbered years and three members in even-numbered years.

It shall be the duty of the Public Works and Safety Committee to administer Municipal Street Aid funds for repairs to the streets of the Village, snow removal and such other improvements the committee may feel necessary. It may seek monies for this purpose as they become available to the town through county, state or federal programs. It shall obtain bids for all such projects and shall expend no funds beyond the limitations of the authorized village budget or funds subsequently approved by a regular Town Meeting. The committee, in cooperation with the Trustees, shall exercise general supervision over the communal needs of the Village.

The committee shall identify hazards to the safety and security of the Village and recommend to the Coordinating Committee and the Town Meeting such actions as will be beneficial.

The committee shall be responsible for the enforcement of ordinances of the Village.

The committee shall designate a qualified voter to serve with representatives of Arden and Ardencroft on supervision of the Town Watch of the three communities.

6.9 REGISTRATION COMMITTEE

The Registration Committee shall consist of three qualified voters elected at the regular September Town Meeting for a term of two years. Two members shall be elected in even-numbered years and one in odd-numbered years.

The Town Meeting Secretary and the Secretary to the Trustees shall be ex-officio members of this committee.

The Registration Committee shall maintain full and accurate list of residents of the Village, including the date of residence to determine when they are qualified to vote. The committee should contact all new residents to welcome them to the Village.

The registration record shall be conclusive evidence of the entitlement of the persons therein listed to vote in meetings of the Town Meeting.

The Registration Committee shall report to each regular Town Meeting new leaseholders and residents, all of whom should be added by the Town Secretary to the regular meeting mailing list.

The Registration Committee shall encourage attendance at Town Meetings, and may plan social events for Ardentown.

SCHEDULE OF ELECTIONS AND COMMITTEE REPORTS

| | Term | February | May | September | November |
|---------------------|-------|------------|-------------------------|-------------------------|-------------------------|
| Chairperson | 1 yr. | | | | Elect |
| Secretary | 1 yr. | | | | Elect |
| Treasurer | 1 yr. | | | | Elect |
| Public Works/Safety | 2 yr. | | 4 odd yr. 3 even yr. | | |
| Budget | 2 yr. | Report Due | | 3 odd yr. 2 even yr. | |
| Planning Committee | 2 yr. | | | | 3 odd yr. 2 even yr. |
| Registration | 2 yr. | | | 1 odd yr. | |

| | | | | | |
|-----------------|-------|-------------------------|-------------------------|------------|--|
| | | | | 2 even yr. | |
| Audit | 1 yr. | | Elect | Report | |
| Memorial Garden | 2 yr. | 3 odd yr. 2 even yr. | | | |
| Playground | 2 yr. | | 1 odd yr. 2 even yr. | | |
| Archives | 2 yr. | 1 odd yr. 2 even yr. | | | |

7 RULES OF ORDER

All meetings shall be governed by the rules of parliamentary practice according to Robert's Rules of Order.

At any meeting, upon request of a voter and approval by a majority of the voters present, a parliamentarian may be elected to rule upon questions of order during that meeting.

No person shall speak twice on the same motion while another who has not spoken desires to be heard.

Upon request, any question shall be decided by a show of hands.

Business of special meetings shall be confined to subjects mentioned in the call.

8 ORDER OF BUSINESS AT TOWN MEETINGS

1. Report on changes in the list of qualified voters.
2. Reading of minutes.
3. Reading of communications.
4. Report of Trustees.
5. Report of standing committees.
6. Report of special committees.
7. Unfinished business.
8. New business.
9. Good and welfare of Ardentown.
10. Adjournment.

9 AMENDMENTS

Amendments to these By-laws not in conflict with or contrary to the Act of Incorporation may be passed by a simple majority vote of the qualified voters of the Town at any two consecutive Town Meetings, provided one of said meetings is a regular meeting as set forth in these By-laws and further provided that a written notice of proposed changes shall have been included in the meeting notice sent out to qualified voters.

These By-laws shall supersede all previous By-laws for the Village of Ardentown.

These By-laws were reviewed and discussed at meetings on and _____ and
approved by the Town Meeting on _____

Town Meeting Chairman

Town Meeting Secretary